

CHAPTER OVERVIEW:

This chapter will discuss the rights and responsibilities of the birth parent(s) and their child(ren).

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2.1 Introduction to the Rights and Responsibilities of The Birth Parent(s) and Their Children.

Parents and children shall be made aware of their rights and responsibilities during the initial 24 hours of placement activities and thereafter as necessary. Other Family Support Team members are aware of their rights and responsibilities through the training and orientation process, which occurs prior to involvement with a family.

The Children's Service Worker shall present the parent with a Parent's Handbook, which describes in detail the out-of-home care process as well as the parent's rights and responsibilities. The Children's Service Worker shall discuss the contents of the handbook with the parent at the time of placement.

2.2 Rights of Birth Parent(s)

Birth parents are the key to long-range planning for their child(ren). The child(ren) began with them, has his/her identity with them, and often longs to return to them. The child(ren)'s return home depends on the birth parent(s)' ability to improve their situation. Otherwise, they face the possibility of long-range plans being made which may include termination of parental rights.

With the exception of birth parent(s) of children whose rights have been permanently terminated, birth parent(s) retain rights which must be recognized. **These rights may be modified by restrictions imposed by the court.**

Birth parent(s) have the right:

- To services from the agency directed toward preservation of the family as a unit and avoidance of foster care if at all possible;
- To be informed of the reasons for their child's removal when foster care is necessary;
- To an explanation of the legal process and all team members involved in this

process;

- To legal representation in any court proceedings affecting their child;
- To be understood without criticism or judgment;
- To be acknowledged as the child's parent(s), entitled to share in the child's life;
- To participate in the selection of the placement for their child and to visit regularly;
- To know what parental privileges are retained while their child is in substitute care;
- To know what conditions must be met by them in order to have their child returned;
- To receive every possible assistance and service from the agency for resolution or correction of conditions necessary for return of their child;
- To have full cooperation from all substitute care team members toward achievement of case goals;
- To petition to have their child returned;
- To have their child returned to their home when the necessary changes or conditions required by the court or agency have been made;
- To assist in developing the case plan for their child.

2.3 Birth parent(s) responsibilities include:

- To cooperate as a team member in forming and following the case plan;
- To maintain contact and communication with their child, including keeping appointments for visitation and placing and returning calls;
- To work toward their child's timely return home by making necessary changes or correcting conditions which resulted in the child's placement;
- To provide emotional support for their child;
- To participate in staffings;
- To be involved, whenever possible, in specific activities affecting the child such as medical care, religious, and social events;
- To provide financial support for the child according to their ability;
- To provide information about their child;

- To interact positively with their child during visits;
- Share with CD their ideas and recommendations to improve the delivery of support services to children and their families.

2.4 Rights of Children

Children have certain inherent rights based on their special status as children and their inability to take care of themselves. Among these inherent rights are the right to live with their birth family and to receive love, protection, nurturance, mutual respect and support until they reach majority; the right to be free from harm, neglect, abuse; to receive an education; to have physical care and medical attention; to have the chance to enjoy all facets of family life; to be disciplined and to receive religious and moral training; to grow into self-sufficient, independent young adults.

When a child's rights are in conflict with parent's rights, the child's rights generally take precedence. When a child's right to live with his own family is in jeopardy, the child has a right to be represented by legal counsel of his own and to have his legal rights protected in any judicial procedure which addresses custody or guardianship. Children who have been removed from the custody of their birth parents have the following rights:

- To be placed in a foster home or other substitute care facility that can best serve his/her needs and is the least restrictive alternative;
- To receive a repeated explanation of placement in language and manner appropriate to his/her age and ability to understand;
- To be placed in the close, practical proximity to his/her birth parents;
- To be placed in the same setting as his/her sibling(s), whenever possible, if the sibling(s) is also being placed outside the home;
- To be free from physical or psychological abuse and from repeated changes in placement before his/her permanent placement or return home;
- To have his/her cultural identity and religious heritage taken into consideration in the selection of an appropriate foster care placement;
- To receive the basic rights of food, clothing and shelter and to possess and take with them their personal belongings;
- To receive a nurturing family life experience, including guidance, stimulation, affection and appropriate discipline (which shall not include any form of corporal punishment);
- To be understood without criticism or judgment;
- To have regular visits with his/her birth parent, siblings, and others with who he/she has a significant relationship (**unless restricted by the court**);

- To confidentiality on all information in his/her record;
To have contact with and representation by a Guardian ad Litem;
- To know what services are available to him/her;
- To have regular contact with a worker assigned to his/her case, and to receive honest information regarding all decisions affecting him/her in a language and manner appropriate to his/her age and ability to understand;
- To have a permanent plan, as required by law or regulation, that reflects his/her best interests and is designed to facilitate their permanent placement or return home in a timely manner that is appropriate to their needs;
- To participate in his/her case planning, conferences, and staffings, etc., when appropriate to the child's age and ability;
- To return home at the earliest possible time or to be legally freed to form new family ties with relatives or adoptive parents.

2.5 Responsibilities of Child(ren):

To participate with the assigned worker and care provider in developing rules and guidelines and to follow them;

- To talk with a responsible adult about any kinds of abuse or neglect by birth parents, care providers or other persons;
- To attend school according to the provisions of the law;
- To participate in the development of the visitation plan and to behave responsibly during visits;
- To take part in developing a permanent plan and to commit to that plan;
- To participate in permanency planning reviews;
- To cooperate in keeping scheduled appointments and to follow any prescribed treatment;
- To act in a responsible and appropriate manner while participating in school, religious, cultural and neighborhood activities;
- To talk with the assigned worker and care providers regarding confidential information contained in the file;
- To openly discuss current problems with the worker;

- To be honest with the worker and care provider regarding any complaint about services received;
- To respect the privacy of others in the care setting.

2.6 The Know Your Rights Brochure (CS-132)

The Know Your Rights brochure (CS-132) is a simple explanation of consumer rights and the Service Delivery Grievance Process.

This brochure is to be given to consumers in order that they may understand their rights with regard to our agency as well as the Service Delivery Grievance Process. Consumers are to be given the Know Your Rights Brochure (CS-132), in person during their first contact with a family when providing Family-Centered Services, Family-Centered Out-of-Home Services, Intensive In-Home Services, Family Reunion Services, Independent Living Services, or Adoption and Guardianship Services. This brochure is also to be given upon request during the course of an assessment or investigation. **Additionally, this brochure should be placed in the receiving lobby of all county and area offices.**

2.7 Service Delivery Grievance Process

The Children's Division is committed to providing the children and families of Missouri with the best possible services in the most professional manner. In order to maintain a continuous quality improvement culture within the organization, it is important to ensure that all youth and families served are informed of their rights and have a formal process to voice their concerns.

The Service Delivery Grievance Process is a mechanism that allows families the opportunity to express their concerns regarding any perceived inequities, unfair treatment, or dissatisfaction with agency actions or behaviors.

Who may file a grievance?

- Any adult family member who is currently receiving services or has had services terminated within the past 30 days.
- Youth 12 years of age or older.
- Any child younger than 12 years of age with the assistance of a parent, guardian, out-of-home care provider, or Guardian ad Litem.

What constitutes a grievance?

1. A grievance is a complaint based upon an actual or perceived situation in which the person feels there is just cause for protest or disagreement.

2. A grievance may be any disagreement or complaint a youth or family member has with an employee or a contractor of the Children's Division. A grievance may be related to a variety of service provision issues. A few examples are:
- Youth does not agree with placement recommendation made by worker and the Family Support Team.
 - Parent does not feel they are receiving services as provided for in the case plan.
 - Incarcerated parent is not satisfied with arrangements for visitation with child.
 - Family dissatisfied that visits and/or meetings are cancelled without appropriate notice.
 - Parents believe non-court ordered visitation with children should be extended.
 - Person disagrees with a Family Assessment determination.

What is not grievable through this process?

1. Any complaint of discrimination based upon race, color, national origin, age, sex, disability, religious or political beliefs. All complaints of this nature must follow Policy 2-104 found in the Department of Social Services Administrative Manual.
2. Any complaint involving or alleging criminal activities of employees. The Area Director, or his/her designee, shall refer these complaints immediately to the Division Director's Office for review and any necessary action.
3. Any dispute with the outcome of a Child Abuse/Neglect investigation. These complaints shall proceed through the established CA/N Review process.

Related Subject: Section 2, Chapter 4, Attachment P, CANRB Guidelines.
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4. Any court ruling or current statute.
5. Guardian ad Litem (GAL), Court Appointed Special Advocate (CASA), or judge appointments. Complaints about these appointments must be addressed through the court of jurisdiction.
6. Any foster/adoptive licensing revocations or denials. These complaints shall be dealt with according to the Fair Hearing Process.

Related Subject: Section 6, Chapter 7, Children's Services Fair Hearing Process

7. Any complaint by an alternative care provider about a case management decision regarding a child in their care. These complaints shall proceed according to Alternative Care Review Board (ACRB).

Related Subject: Section 6, Chapter 7, Alternative Care Review Board (ACRB).

8. Those persons receiving adoption subsidy, guardianship subsidy, or participating in the Grandparents as Foster Parents program are not eligible to use this grievance procedure. Grievances regarding the Grandparents as Foster Parents Program should be referred through the appropriate Income Maintenance channels. Subsidy grievances shall proceed according to the Children's Services Fair Hearing Process.

Related Subject: Section 4, Chapter 30, Miscellaneous and Section 6, Chapter 7, Children's Services Fair Hearing Process.

Agency Do's:

- **Do** inform youth and families of their rights and grievance procedures.
- **Do** assist the grievant through the process, if requested.
- **Do** remain solution focused and work to resolve the complaint.
- **Do** document, in the case record, any and all actions taken on complaints.
- **Do** inform grievant of outcome and actions.

Agency Don'ts:

- **Don't** prevent the grievant from pursuing his/her right to file a grievance or complaint.
- **Don't** retaliate against any person who participates in or initiates the grievance process.
- **Don't** allow the process to become adversarial or accusatory.

Steps in the formal grievance process:

NOTE: The Formal grievance protocol is to be utilized after all other efforts to resolve the issue or complaint have been exhausted. Other efforts include solution-focused discussions with the worker, the supervisor, and other Family Support Team members.

Level One: Actions taken at this level include the grievant, worker, supervisor, Family Support Team (if needed) and the Circuit Manager or County Director or Supervisor III (metro areas). The goal is to resolve the complaint/grievance at the local county level.

1. The grievant shall initiate the grievance process by submitting a completed Service Delivery Grievance Form (CS-131) to the county office. The Children's Service Worker shall help the grievant complete the form if requested. The grievant shall complete Section A of the grievance form stating the formal grievance and all efforts made by the grievant to resolve the issue with the worker, the worker's immediate supervisor, and the Family Support Team.
2. Within 15 working days of receiving the completed Service Delivery Grievance Form in the county office, the County Director or Children's Service Supervisor III shall:
 - by phone or in person, review and discuss in detail the complaint with the grievant, the worker, and the supervisor;
 - Work together with all parties to resolve the disagreement or complaint;
 - Prepare and provide the grievant, the worker, and the supervisor with a written response to the grievance by completing Section B of the Service Delivery Grievance Form, indicating actions taken at Level One to resolve the issue; and
 - Provide the updated copy of the form to the grievant, worker, and supervisor.
3. A copy of the updated grievance form with Level One response shall be placed in the Administrative section of the family record.
4. The County Director or Children's Service Supervisor III shall enter information from the Service Delivery Grievance Form into the Service Delivery Grievance Database.

Level Two: Actions taken during this step include the grievant and the Area Director or CS Administrator (metro areas) or his/her designee.

1. If the grievant does not agree with the response from Level One, they may continue the grievance process by submitting the Service Delivery Grievance Form received from Level One to the Area Director's office. This must be done within 5 working days from the date the written response is received from Level One.
2. Within 15 working days of receiving the completed Service Delivery Grievance Form in the Area Directors office, the Area Director or CS Administrator (metro areas) shall:
 - Review all pertinent information obtained at Level One such as worker involvement and contacts with all necessary individuals;
 - Contact grievant, by telephone or in person, to listen to and discuss grievance in detail;

- Work together with grievant to resolve the disagreement or complaint;
 - Prepare and provide the grievant and the County Director or Supervisor III with a written response by completing Section C of the grievance form, indicating actions taken at Level Two to resolve the issue; and
 - Provide the updated copy of the form to the grievant and to the County Director or Supervisor III;
3. A copy of the updated Service Delivery Grievance Form with the Level Two response shall be placed in the Administrative section of the family record.
 4. The Area Director or CS Administrator (metro areas) or his/her designee shall enter information regarding determination from Level Two of the Service Delivery Grievance Form into the Service Delivery Grievance Database.

Level Three: This is the final step in the grievance process and involves the grievant and the Division Director or his/her designee.

1. If the grievant does not agree with the response from Level Two, they may continue the grievance process by submitting the grievance form received from Level Two to the Division Director's office. This must be done within 5 working days, by mail or in person, from the date the written response is received from Level Two.
2. Within 15 working days of receiving the Service Delivery Grievance Form in the Division Director's office, the Division Director or his/her designee shall:
 - Review all information pertaining to the grievance at the first two levels such as worker involvement and contacts with other necessary individuals including grievant
 - Contact grievant, by telephone or in person, to listen to and discuss grievance in detail;
 - Complete Section D of the grievance form;
 - Prepare and mail the grievant a copy of the Service Delivery Grievance Form with the final written response in Section D;
 - Forward a copy of the final grievance form to the Area Director or CS Administrator;
3. The Area Director or CS Administrator or his/her designee shall ensure that the final Service Delivery Grievance Form is placed into the administrative section of the family record.

4. A copy of the final grievance form from Level Three shall be maintained in the office of the Division Director.
5. The Division Director or his/her designee shall enter information regarding Level Three determination from the Service Delivery Grievance Form into the Service Delivery Grievance Database.

Confidentiality and Access to Records:

The documentation that is generated from this process shall be maintained in the family case record, filed in the Administrative Section. Agency personnel will follow the same confidentiality guidelines for information gathered during the grievance process as any other information gathered during Service Delivery.

Data for the Continuous Quality Improvement Process:

The need to track outcomes and the means by which they were achieved is an important part of the quality improvement process. There will not be a requirement for staff to track the outcomes of the grievance process, however, staff are required to document the grievance in the narrative section of the record and file the Service Delivery Grievance Form in the Administrative Section of the case file.

The information that is received from Level One through Level Three of the grievance process needs to be collected and aggregated for use in the CQI process. County Directors or Children's Services Supervisors III (metro areas), Area Directors or CS Administrators or his/her designee, and the Division Director or his/her designee are responsible for making sure that all Service Delivery Grievance Form information is entered into the Service Delivery Grievance Database at each of their perspective levels in a timely manner. Central office will aggregate this data and send quarterly reports to each county and area for use during all levels of CQI meetings.

The ultimate goal is to use the information gained from the process to continually build upon our quality service delivery system. Each team that reviews the reports should look for trends related to the quality of services being delivered, program issues, communication, etc. that led to the grievances. If trends are identified it is expected that an action plan be developed to remedy any identified area of concern. Steps that are taken to rectify any of the identified issues should be reported to the next level CQI team and followed-up at the next quarter local team meeting to monitor progress.

2.8 The Service Delivery Grievance Database

All Children's Service staff will be able to access and view information in the Service Delivery Grievance database. **Only County Directors and above will have access to enter and edit information into the database.**

Accessing and Viewing the Service Delivery Grievance Database (all Children's Service staff):

1. After opening Lotus Notes, go to "File", then to "Database", then click on "Open".
2. Under "Server:" scroll to and select the server on which you receive your lotus notes mail. Under "Database:" scroll down to and select "CQI Activity Log and Discussion" and click on "Open".
3. Click on "Grievances". This will open the grievance database and from here grievance information and trends by county, circuit, area, grievance issue, service received, grievance profile, quarter, and grievance level can be viewed.

Entering Initial and Level One Grievance Information into the Service Delivery Grievance Database (County Directors or Supervisor III's)

1. Follow steps one through three in the previous instructions for accessing and viewing the grievance database.
2. If entering data for Level One, click on "Create New Service Delivery Grievance".
3. Enter the following data into the required fields from the paper copy of the Service Delivery Grievance Form:

NOTE: Use the tab key to advance to each field.

- **Date Grievance Initially Filed:** Enter the date (01/01/2001) that the County Office received the initial grievance form, usually indicated by a date stamp.
- **County:** Enter the county in which the grievance was filed by either typing in the name of the county or clicking on the arrow to the right of the field, selecting the county, and clicking on "okay".
- **Name:** Enter the first and last name of the person filing the grievance.
- **DCN:** Enter the DCN of the person filing the grievance.
- **SSN:** Enter the SSN of the person filing the grievance.
- **Grievant Profile:** Click on the arrow to the right of the field and then click on the profile type that best describes the person who is filing the grievance. Then click "okay". If "other" is selected, a hidden field will pop up requesting an explanation for that choice. Enter what is meant by "other" in this field.
- **Category of Grievance Issue:** Click on the arrow next the field and select the category/categories of grievance that best describes the issue/issues being grieved. More than one category may be selected if there is more than

one grievance issue. If “other” is selected, a hidden field will pop up requesting an explanation for that choice. Enter what is meant by “other” in this field.

- **Type of Services Received:** Click on the box next to the service/services that are being received by the person filing the grievance. More than one box may be selected if more than one service is being received.
 - **Level:** Click on the arrow next to the field and then click on “1”. This should put a check mark beside the “1”. Click on “okay”.
 - **Date of Level One Determination:** Enter the date that the Level One determination was completed and signed by the County Director or Supervisor III by typing in the date (01/01/0001) or clicking on the calendar option in the right of the field box and then clicking on the appropriate date.
4. Click on “Save and Close” which is located at the top of the form. Initial grievance and Level One information has now been entered and saved in the database.

Entering Level Two Grievance Information into the Service Delivery Grievance Database (Area Director or CS Administrator or his/her designee)

1. Follow steps one through three in the previous instructions for accessing and viewing the database.
2. In order to enter Level Two determination information, the original Service Delivery Grievance information for Level One must be located in the database. To do this, click on the “Search” icon and select “Show Search Bar”.
3. In the box next to “Search For”, type in the last name of the person who filed the grievance and click on the “Search” button. This will search the database for all persons with that name. A search may also be done by DCN or SSN if needed. Once a match is found, that database entry will appear below with a bold box around it.
4. Double click inside the bold box. This will open up the original data entry form for that particular person.
5. Click on the “Edit” icon.
6. Tab to the “Level” field. Click on the arrow next to the “Level” field and then click on “2”. There should now be a check mark beside the “1” and “2”. Click on “okay”. Be sure to leave a check mark by the “1”.
7. Click anywhere next to the “Level 1” tab and this will refresh the page and a “Level 2” tab should appear.

8. Enter the date (01/01/0001) that the Level Two determination was signed by the Area Director of his/her designee by typing in the date (01/01/0001) or clicking on the calendar option in the right of the field box and then clicking on the appropriate date.
9. Click on the "Save and Close" icon. Level Two information has now been entered and saved in the database.

NOTE: The only information to be edited is the Level and Date of Level 2 Determination fields. All other information should remain the same.

Entering Level Three Grievance Information into the Service Delivery Grievance Database (Division Director or his/her designee)

1. Follow steps one through five in the previous instructions for Entering Level Two Grievance Information.
2. Tab to the "Level" field. Click on the arrow next to the "Level" field and then click on "3". There should now be a check mark beside the "1", "2" and "3". Click on "okay". Be sure to leave a check mark by the "1" and "2".
3. Click anywhere next to the "Level 2" tab and this will refresh the page and a "Level 3" tab should appear.
4. Enter the date (01/01/0001) that the Level Three determination was signed by the Division Director or his/her designee by typing in the date (01/01/2001) or clicking on the calendar option in the right of the field box and then clicking on the appropriate date.
5. Click on the "Save and Close" icon. Level Three information has now been entered and saved in the database.

NOTE: The only information to be edited is the Level and Date of Level 3 Determination fields. All other information should remain the same.

MEMORANDA HISTORY: